

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Gavin	Team: Squad #1	CCRB Case #: 201806977	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/19/2018 8:26 AM	Location of Incident: In front of § 87(2)(b)	Precinct: 13	18 Mo. SOL 11/19/2019	EO SOL 11/19/2019	
Date/Time CV Reported Sat, 08/11/2018 7:00 AM	CV Reported At: Other City agency	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 08/23/2018 10:30 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Todd Craven	27626	928124	013 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Angela Parisette	21183	959045	013 PCT
2. POM Chris Budhan	18680	951563	013 PCT
3. POF Cynthia Puello	08097	957055	013 PCT
4. DTS Brian Glacken	07777	922423	ESS 01

Officer(s)	Allegation	Investigator Recommendation
A.POM Todd Craven	Force: Police Officer Todd Craven used physical force against § 87(2)(b)	§ 87(2)(b)

Case Summary

On August 11, 2018, § 87(2)(b) filed this complaint via a 311 Service Request. It was referred to the Internal Affairs Bureau, and was then referred to the CCRB, where it was received on August 23, 2018.

On May 19, 2018, at approximately 8:30 a.m., § 87(2)(b) was involved in a physical fight with § 87(2)(b) outside of the § 87(2)(b) located at § 87(2)(b). A Stuyvesant Town security officer, § 87(2)(b) responded and separated § 87(2)(b) and § 87(2)(b). Four NYPD officers responded: PO Todd Craven, PO Christopher Budhan, PO Angela Parisette, and PO Cynthia Puello, of the 13th Precinct. At the time that NYPD arrived, § 87(2)(b) was on the ground and leaning against the fence.

While § 87(2)(b) was on the ground, against the fence, PO Craven allegedly grabbed § 87(2)(b)'s right arm, pulled it forward and then back behind § 87(2)(b)'s head (**Allegation A: Force:** § 87(2)(g) § 87(2)(b) was arrested and charged with assault in the third degree. § 87(2)(b) was transported to the 13th Precinct stationhouse before being taken to Bellevue Hospital for a psychiatric evaluation. There is no video available for this case.

Findings and Recommendations

Allegation A: Force: Police Officer Todd Craven used physical force against § 87(2)(b)

§ 87(2)(b) testified that he suffers from schizoaffective disorder and that he had consumed alcohol, marijuana, and crack cocaine the night prior to the incident, though he was not intoxicated at the time of the incident, and was asymptomatic of his mental illness. § 87(2)(b) was on his way to the hospital for these aforementioned issues. § 87(2)(b) alleged that he was attacked by § 87(2)(b) unknown to § 87(2)(b) at the time of the incident, and that a security officer arrived and knelt § 87(2)(b) while he was still against the fence. § 87(2)(b) fell to the ground and leaned against the fence. NYPD officers responded while § 87(2)(b) was on the ground and leaning against the fence. PO Craven approached him, grabbed his right arm, and pulled it forward and back behind § 87(2)(b)'s head. § 87(2)(b) heard “something pop” in his right shoulder and asked PO Craven, “Why did you do that?”, but PO Craven did not respond to § 87(2)(b). § 87(2)(b) did not know why PO Craven pulled his arm. § 87(2)(b) grabbed the fence and pulled himself up before asking PO Craven, “Why did you twist my arm?” and asked the officers to take him away from the location. § 87(2)(b) alleged that he suffered a dislocated rotator cuff in his right shoulder (Board Review 01).

§ 87(2)(b) testified that § 87(2)(b) unknown to § 87(2)(b) at the time of the incident, punched him while he was walking on 1st Avenue, and that § 87(2)(b) kept punching § 87(2)(b) and held him against the fence of the apartment complex. NYPD officers responded, but § 87(2)(b) did not see any officers make physical contact with § 87(2)(b) (Board Review 02).

Stuyvesant Town Security Officer § 87(2)(b) testified that he was the first security officer to respond to the scene, and that he separated § 87(2)(b) and § 87(2)(b) ran at Security Officer § 87(2)(b) when he saw him, and Security Officer § 87(2)(b) punched § 87(2)(b).

in his face. § 87(2)(b) fell to the ground in a sitting position, and Security Officer § 87(2)(b) handcuffed § 87(2)(b) as soon as he fell to the ground. § 87(2)(b) tried to stand up after falling, but Security Officer § 87(2)(b) held § 87(2)(b) by his shoulders, handcuffed him, and told § 87(2)(b) to sit against the fence and cross his legs. Six NYPD officers responded, and three officers spoke with Security Officer § 87(2)(b) and two other Stuyvesant Town security officers, while standing over § 87(2)(b) who was sitting on the ground. The three other NYPD officers spoke with § 87(2)(b) approximately twelve feet away from where § 87(2)(b) was lying on the ground. While § 87(2)(b) was sitting on the ground, an officer identified by the investigation as PO Craven, told § 87(2)(b) “We’re going to help you up,” and he and another white, male officer each held § 87(2)(b) by his shoulders, stood him up, and walked him to the police car. Security Officer § 87(2)(b) stated that § 87(2)(b) was talking to himself and “talking to people who weren’t there” (Board Review 03).

PO Craven testified that Security Officer § 87(2)(b) told him that he separated § 87(2)(b) and § 87(2)(b) and that he punched § 87(2)(b) in his face and handcuffed § 87(2)(b). § 87(2)(b) was handcuffed against the fence of the apartment complex. Officers attempted to remove the handcuffs from § 87(2)(b) but none of the officers could do so. The officers called the Emergency Services Unit to remove the handcuffs. ESU officers removed the handcuffs from § 87(2)(b). PO Craven could not recall if he, or other officers, made any physical contact with § 87(2)(b) and could not recall how § 87(2)(b) was able to get off of the ground. PO Craven could not remember who re-handcuffed § 87(2)(b) or if any ESU officers pulled § 87(2)(b)’s arm, or lifted him off of the ground. PO Craven could not remember if § 87(2)(b) complained of any physical injury. PO Craven did not transport § 87(2)(b) from the incident in his police vehicle (Board Review 04).

PO Budhan testified that when he and PO Craven arrived on scene, PO Budhan spoke with § 87(2)(b) and PO Craven spoke with the officers standing over § 87(2)(b). PO Budhan moved between the two groups throughout the incident, and stated that § 87(2)(b) was “acting irrationally” and could not provide rational answers to questions. While handcuffed to the fence, § 87(2)(b) tried to move around and appeared uncomfortable in his position, complaining that the handcuffs were hurting him. Officers, whose identities PO Budhan could not recall, tried to adjust the handcuffs. When trying to adjust the handcuffs, the officers touched § 87(2)(b)’s wrists, but PO Budhan could not remember if he made physical contact with § 87(2)(b) or if any of the other officers pulled on § 87(2)(b)’s right arm. None of the officers lifted § 87(2)(b) up while he was handcuffed to the fence. At least two ESU officers responded. They held § 87(2)(b)’s wrists as they worked to remove the handcuffs, but PO Budhan could not remember if either officer pulled or twisted § 87(2)(b)’s arm, and could not remember if § 87(2)(b) complained of any physical injury (Board Review 05).

§ 87(2)(b)’s medical records from § 87(2)(b), obtained from § 87(2)(b) Hospital Center, do not note any injuries to § 87(2)(b)’s right shoulder and state that § 87(2)(b)’s chief complaint was for psychiatric evaluation. § 87(2)(b) was diagnosed with uncomplicated cocaine abuse (Board Review 06).

Patrol Guide Procedure 221-02 states that officers must apply no more than the reasonable force necessary to gain compliance from an uncooperative subject, and utilize de-escalation techniques to stabilize the situation (Board Review 07).

No witness corroborated § 87(2)(b)'s allegation that PO Craven, or any officer, pulled his arm. PO Budhan recalled that the handcuffs were hurting § 87(2)(b) but no witness testified that § 87(2)(b) complained of shoulder pain or injury, and § 87(2)(b)'s medical records do not document any physical injury. Contrary to § 87(2)(b)'s statement, however, witness testimony and § 87(2)(b)'s medical records suggest that § 87(2)(b) was symptomatic of his mental illness and drug use, and § 87(2)(b)'s medical records document treatment for those issues only.

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party. (Board Review 08)
- Police Officer Todd Craven has been a member-of-service for 17 years and has been a subject in 10 CCRB complaints and 17 allegations, of which one was substantiated:
 - 201302279 involved substantiated allegations of force against PO Craven. The Board recommended Charges and on September 5, 2014, the Administrative Prosecution Unit closed the case as Previously Adjudicated.
 - § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b)
- As of December 6, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 10).

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date